

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

ANTONIO FREEMAN,

Petitioner,

v.

Civil Action No: 1:17-02279

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending before the court is petitioner's petition for a writ of mandamus pursuant to 28 U.S.C. § 1361. ECF No. 1. By Standing Order, this matter was referred to United States Magistrate Omar J. Aboulhosn for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Proposed Findings and Recommendation on August 10, 2017, in which he recommended that the district court dismiss this action from the court's docket¹ and remove the matter from the court's docket. ECF No. 4.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing

¹ The PF&R notes petitioner's request -- that the district court compel the United States Attorney's Office to either dismiss the underlying criminal charges or present such charges to the grand jury -- is now moot because an indictment was filed against petitioner on May 23, 2017 for which he later pled guilty. ECF No. 4 at 4.

days, in which to file any objections to Magistrate Judge Aboulhosn's Findings and Recommendation. The failure to file such objections constitutes a waiver of the right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Petitioner failed to file any objections to the magistrate judge's Findings and Recommendation within the seventeen-day period. Having reviewed the Findings and Recommendation filed by Magistrate Judge Aboulhosn, the court adopts the findings and recommendation contained therein.

The court hereby **ADOPTS** the factual and legal analysis contained within the PF&R, **DISMISSES** petitioner's petition for a writ of mandamus, (Doc. No. 1), and **DIRECTS** the Clerk to remove this case from the court's docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to counsel of record and petitioner, pro se.

It is **SO ORDERED** this 11th day of October, 2017.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge